Remarks

Claims 1-2 and 4-13 are currently pending. Applicants assert that all claims are in condition for allowance after final as set forth more fully below. Accordingly, Applicants request that at least the finality of the current rejection be withdrawn and further request that a Notice of Allowance be provided.

Interview Summary

The undersigned participated in a telephone interview with the Examiner on December 14, 2005. During this interview, the undersigned discussed perceived differences between Clarkson et al. relative to pending claims 1-2 and 4-13 and in particular that Clarkson discloses a technique for capitalizing the overall performance of a wireless network on available bandwidth by redistributing traffic to under-used channels whereas the pending claims recite a method of measuring frequency interference between a plurality of cell sites in a wireless telecommunications system wherein the method includes the step of "selecting a frequency in a first cell site to be used as a beacon frequency, wherein selecting a frequency includes selecting a frequency carrying the least amount of traffic across a plurality of cell sites and protecting the frequency from carrying traffic". It was discussed that Applicants were unable to find such recitations in the cited prior art. The Examiner indicated that perhaps he had previously misunderstood Applicants claims and would need to re-consider the reference.

103 Rejections

Claims 1-2 and 4-13 stand rejected under 35 USC §103(a) as being unpatentable over Chawla et al. (US Pat 6,496,700) in view of Clarkson et al. (US Pat 6,842,431 B2). Applicants respectfully traverse these rejections.

The Office Action rejects independent Claim 1 by stating that Chawla teaches all of its elements except that Chawla does not teach the step of "wherein selecting a frequency includes selecting a frequency carrying the least amount of traffic across a plurality of cell sites and protecting the frequency from carrying traffic." The Office Action alleges that Clarkson shows in a same technique and apparatus for including the

adjustment and optimization of wireless networks by using a frequency planning tool to select a frequency from a cell site to be used as a beacon frequency or pilot signal in an area denoted as traffic load that network can handle with target blocking rate (Clarkson, Fig. 3A, within the mentioned area, the amount of traffic is less while performing the testing using a pilot signal and the coverage area is protected with target blocking rate, refer to col. 8/lines 50-65; col. 10/lines 18-52 for using pilot signals for optimization of network; and col. 12/lines 43-46; col. 13/lines 50-64; and col. 19/lines 35-39 for spatial distribution for the amount of traffic is determined). The Office Action alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chawla's system with Clarkson's disclosed technique in order to provide an enhanced method and apparatus for measuring frequency interference using a beacon frequency or a pilot signal within an area of least amount of traffic across a plurality of cells and also protecting the frequency from carrying traffic.

Clarkson teaches a processor-implemented method and apparatus for characterizing, and adjusting, and/or optimizing a wireless network. (Clarkson col. 4/lines 62-64) Clarkson illustrates a representative network situation in which several cells have an under-capacity and several cells have an over-capacity in Fig. 3A. (Clarkson col. 8/lines 50-65) Clarkson teaches optimizing network performance by simultaneously addressing two competing objective functions resulting in a tradeoff curve in the capacity/coverage diagram that represents the best performance in this classification the optimizer could find. Within the optimization process, this goal can be obtained by optimizing for one of the two objective functions, e.g., coverage, and keeping the other one, e.g., capacity, as a constraint. (Clarkson col. 10/lines 41-52).

Applicants respectfully submit that Clarkson does not teach each and every element of pending Claim 1. Pending Claim 1 recites a method of measuring frequency interference between a plurality of cell sites in a wireless telecommunications system selecting a frequency in a first cell site to be used as a beacon frequency, wherein selecting a frequency includes selecting a frequency carrying the least amount of traffic across a plurality of cell sites and protecting the frequency from taking traffic. (Emphasis added) Applicants respectfully submit that these recitations are neither disclosed in

Clarkson and, further, that these recitations are contrary to Clarkson et al. as alleged in the Office Action.

Initially, it should be noted that Clarkson is not interested in determining interference between cell sites but is instead interested in improving network efficiency as noted above. This difference in focus of Clarkson is significant, as Applicants submit that Clarkson would appear to teach the opposite of the recitations of pending Claim 1 in that in order to optimize the network capacity in accordance with Clarkson, additional traffic would be distributed to the least used frequency in order to improve network efficiency as opposed to what is recited in pending Claim 1 in which the least used frequency is protected from carrying traffic so that it may be used as a beacon frequency for the interference determination.

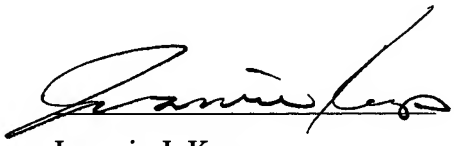
Accordingly, Claim 1 includes recitations not taught by Chawla in view of Clarkson and is allowable over Chawla in view of Clarkson for at least these reasons. Dependent Claims 2 and 4-13 depend from allowable Claim 1 and are also allowable over Chawla in view of Clarkson for at least the same reasons.

Conclusion

Applicants assert that the application including Claims 1, 2 and 4-13 is in condition for allowance after final. Applicants request reconsideration in view of the remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,



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